

Senate extends wiretap curb to protect spy suspects

By W. Dale Nelson
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WASHINGTON — The Senate voted yesterday to require the federal government to obtain a court order before electronically bugging or wiretapping anybody, even a suspected foreign spy.

The measure, supported by President Carter, was approved 95-1, with Sen. William Scott (R., Va.) casting the only negative vote. It now goes to the House.

The bill is one of several recommended by the Senate Select Committee on Intelligence to put restraints on the activities of intelligence agencies.

The measure would extend to the foreign intelligence field the requirement that a warrant be obtained before electronic surveillance is conducted in the United States. That requirement already applies in criminal investigations and in investigations of domestic organizations believed to be a threat to national security.

The Supreme Court has never ruled, however, on whether a warrant must be obtained for wiretaps or bugs on foreign agents.

Sen. Edward M. Kennedy (D., Mass.) said that the bill would "fill one of the last remaining loopholes in the laws governing wiretapping and other electronic surveillance in the United States."

Sen. Birch Bayh (D., Ind.), chairman of the intelligence committee, said the measure would foreclose any claim by a president that he has "inherent power" to order such wiretaps

because of his constitutional duty to conduct foreign affairs.

Unlike a measure that was considered but not passed two years ago, the bill would require evidence of potential criminal conduct before a wiretap order could be obtained. In the case of foreign citizens, however, less proof would be required than in the case of an American citizen.

Under the bill, the chief justice would designate seven U. S. district judges who would be authorized to grant warrants for electronic surveillance for foreign intelligence purposes.

The chief justice also would name a special three-judge court, drawn from the judges of the U. S. circuit courts of appeals, to hear appeals by federal agencies from such decisions.

Applications would be made by the attorney general with the authority of the president. Wiretaps or bugs on American citizens or foreign visitors would be limited to 90 days. A wiretap on an embassy or other official foreign establishment could be authorized for up to a year.

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